

REMARKS

In the Office Action dated April 21, 2005 the Examiner rejected claims 1-6, 8-31, and 42-45 under 35 U.S.C. § 103(a). Specifically, the Examiner stated that claims 1-6, 9, 10, 11, 12, 15, 16, 18-20, 22, 25, and 26 were rendered obvious by Byrd, U.S. Patent No. 6,081,899 ("Byrd"), in view of Rubin, U.S. Patent No. 5,638,446 ("Rubin") and Lloyd, U.S. Patent No. 6,691,231; claims 13, 14, 23, and 24 were rendered obvious by Byrd, Rubin, and Lloyd, in view of Article "What is X.509" ("X.509"); and claims 27-31 and 42-25 were rendered obvious by Byrd, Rubin, and Lloyd, in view of Murray, U.S. Patent No. 6,321,333 ("Murray"). In addition, the Examiner objected to claim 8.

By this Amendment, Applicant has amended claims 1, 4, 5, 8, 10, 16, 20, 27, and 42 to clarify the claim recitations. Applicant has added new claim 46 to provide more complete coverage of Applicant's invention. Claims 1-6, 8-31, and 42-46 are currently pending.

OBJECTION TO CLAIM 10

With respect to the objection to claim 8, Applicant appreciates the Examiner's identification of the noted error, and Applicant has amended claim 8 to depend from claim 1 instead of from cancelled claim 7. Therefore, Applicant respectfully requests reconsideration and withdrawal of the objection to claim 8.

REJECTIONS UNDER 35 U.S.C. § 103

Claims 1-6, 9, 10, 11, 12, 15, 16, 18-20, 22, 25, and 26 were rejected as obvious by Byrd, in view of Lloyd, and further in view of Rubin. Applicant respectfully traverses

the rejection of claims 1-6, 9, 10, 11, 12, 15, 16, 18-20, 22, 25, and 26 under 35 U.S.C. §103 as being obvious from Byrd, in view of Lloyd, and further in view of Rubin. A *prima facie* case of obviousness has not been established.

"To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure. *In re Vaeck*, 947 F.2d 488, 20 USPQ2d 1438 (Fed. Cir. 1991)." M.P.E.P. § 2142, 8th Ed., Rev. 2 (May 2004), p. 2100-128.

A *prima facie* case of obviousness has not been established because, among other things, neither Byrd, Lloyd, nor Rubin, taken individually nor in any reasonable combination, teaches or suggests each and every feature of Applicant's claims.

Claim 1 calls for a combination including, for example, "appending a temporal stamp and a payment to [a] digest." Byrd fails to teach or suggest at least "appending a temporal stamp and a payment to [a] digest," as recited in claim 1. Instead, Byrd teaches "time and date stamping of electronic messages." (Byrd, col. 3, ll. 5-6).

The Examiner cited Lloyd as a teaching of “a log containing a record of a message exchange including digital signatures.” (Office Action, p. 3). Even assuming the Examiner’s characterization of Lloyd is correct, Lloyd fails to cure the deficiencies of Byrd, discussed above. That is, Lloyd also fails to teach or suggest at least “appending a temporal stamp and a payment to [a] digest,” as recited in claim 1.

The Examiner cited Rubin as a teaching of “creating a digest (hashing) and sending an electronic file to a third party for authentication.” (Office Action, p. 3). Even assuming the Examiner’s characterization of Rubin is correct, Rubin fails to cure the deficiencies of Byrd and Lloyd, discussed above. That is, Rubin also fails to teach or suggest at least “appending a temporal stamp and a payment to [a] digest,” as recited in claim 1.

The cited references, taken either alone or in any reasonable combination, thus fail to teach or suggest all the elements of claim 1. For at least this reason, Byrd, Lloyd, and Rubin therefore fail to establish a *prima facie* case of obviousness. The rejection of claim 1, and dependent claims 2-6 and 8-9, under 35 U.S.C. §103 as being obvious from Byrd in view of Lloyd and Rubin is thus improper and should be withdrawn.

Independent claims 10, 16, 20, although different in scope from claim 1 and from each other, contain recitations similar to that of claim 1. Therefore, neither Byrd, Lloyd nor Rubin teach or suggest, at least, the element of claim 1 recited above. The rejection of independent claims 10, 16, and 20, and dependent claims 11-12, 15, 18-19,

22, 25, and 26 under 35 U.S.C. §103 as being obvious from Byrd in view of Lloyd and Rubin is thus improper and should be withdrawn.

Claims 13, 14, 23, and 24 were rejected as obvious by Byrd, Lloyd, and Rubin, in view of X.509. As noted above in the discussion of independent claim 1, Byrd, Lloyd, and Rubin do not teach or suggest at least “appending a temporal stamp and a payment to [a] digest.” Claims 13, 14, 23 and 24 contain similar recitations by virtue of their dependency on independent claims 10 and 20. X.509 fails to cure the deficiencies of Byrd, Lloyd, and Rubin.

The Examiner cited X.509 as a teaching of a “certificate [containing] the subject’s public key.” (Office Action, p. 4). Even assuming the Examiner’s characterization of X.509 is correct, X.509 fails to teach or suggest at least “appending a temporal stamp and a payment to [a] digest.”

The rejection of claims 13, 14, 23, and 24 under 35 U.S.C. §103 as being obvious from Byrd, in view of Lloyd, Rubin, and X.509, is thus improper and should be withdrawn.

Claims 27-31 and 42-45 were rejected under 35 U.S.C. § 103(a) as obvious over Byrd, Lloyd, and Rubin, in view of Murray. As noted above, Byrd, Lloyd, and Rubin, taken either alone or in any reasonable combination, fail to teach or suggest all the elements of claim 1, which recites “appending a temporal stamp and a payment to [a] digest.” Independent claims 27 and 42, although different in scope from claim 1 and

from each other, contain recitations similar to that of claim 1. Murray fails to overcome the deficiencies of Byrd, Lloyd, and Rubin.

The Examiner cited Murray as a teaching of "getting a digital public key authorized by a certificate authority." (Office Action, p. 5). Even assuming the Examiner's characterization of Murray is correct, Murray fails to cure the deficiencies of Byrd, Lloyd, and Rubin discussed above. That is, Murray also fails to teach or suggest at least "appending a temporal stamp and a payment to [a] digest." Therefore, the combination of Murray, Byrd, Lloyd, and Rubin fails to teach or suggest all elements recited in independent claims 27 and 42. The rejection of independent claims 27 and 42, and dependent claims 28-31 and 43-45 under 35 U.S.C. §103 as being obvious from Byrd in view of Lloyd, Rubin and Murray is thus improper and should be withdrawn.


In view of the foregoing amendments and remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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